IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3519 OF 2006

Satish Gaikwad Applicant
versus
The State of Maharashtra Respondent

Milind H. Thenge for applicant.
Smt.M.M.Deshmukh, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 3rd October 2006

PC :

1. The applicant is applying for bail in connection with CR No.190 of 2005 registered at Kolsewadi Police Station, Kalyan under sections 376, 448, 506 r/w 34 IPC.. The co-accused has been enlarged on bail and the applicant, therefore, submits that he being detained in custody from 5th September 2005 till date and since the application for enlarging him on bail rejected by the Trial Court on 23rd December 2005, this Court must consider enlarging him on bail. More so, when there are no antecedents and even prima facie case for bail is made out according to the applicant’s advocate.

2. It is rather unfortunate that in such offences, when time and again the Hon'ble Supreme Court has emphasised expediency and urgency on the part of everybody concerned, the Trial Court had not proceeded with the matter. It is a Fast Track Court and supposed to be on faster track than a Regular Court and more so in such cases.

3. Instead of considering present application it would be appropriate and in the interest of justice that the prosecutrix is summoned before the Trial Court on 20th October 2006 for recording her statement. The testimony of the prosecutrix be recorded and the applicant can cross examine her. The applicant shall be at liberty to apply for bail afresh before the Trial Court after a period of six weeks thereafter. The Trial Court to endeavour and complete recording of evidence of the prosecutrix before 10th November 2006. Application is disposed of.

(S.C.DHARMADHIKARI, J.)